

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

MATTHEW LOUIS JOHNSON,

Plaintiff,

v.

DARR, Correctional Officer,

Defendant.

Civil No. 08-cv-0080-DMS (POR)

**ORDER SETTING HEARING ON
MOTION TO DISMISS**

On July 18, 2008, Defendant in this action filed a Motion to Dismiss the complaint, which is brought under 42 U.S.C. § 1983. The Honorable Dana M. Sabraw referred this motion to the assigned Magistrate Judge for a report and recommendation, pursuant to Local Civil Rule 72.1.c.2 and 28 U.S.C. § 636(c). Accordingly, IT IS HEREBY ORDERED:

1. Plaintiff shall file an opposition to the motion to dismiss on or before **August 29, 2008**.
2. Defendant shall file a reply to Plaintiff's opposition on or before **September 12, 2008**.
3. Defendant's motion shall be heard on **September 18, 2008 at 2:00 p.m.** Without further court order, no appearances are required at that hearing. Defendants' motion shall be deemed submitted on the papers at that time.

IT IS SO ORDERED.

DATED: July 22, 2008



LOUISA S PORTER
United States Magistrate Judge